

# **Review of Virginia School Safety Audit Reporting**

**Final Report**

**Virginia Department of Criminal Justice Services  
Criminal Justice Research Center**

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# **Review of Virginia School Safety Audit Reporting Final Report**

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## I. AUTHORITY AND PURPOSE

During the 2000 General Assembly session, the Virginia Center for School Safety (VCSS) was created within the Department of Criminal Justice Services (DCJS) through passage of House Bill 391. One duty of the VCSS is to collect, analyze, and disseminate Virginia school safety data, including school safety audit information. This report is the VCSS' first report on the status of school safety audit information and is primarily a review of the Virginia school safety audit process.

## II. HISTORY OF SCHOOL SAFETY AUDITS

To provide background for the project activities, a review of the *Code of Virginia* was conducted to determine the nature and scope of school safety audit responsibilities and reporting. A summary of critical developments is provided below. (See Appendix A for relevant code sections.)

### **Initial Legislation**

According to the *Code of Virginia* §22.1-278.1, which became effective on July 1, 1997, the term "school safety audit" refers to:

"an assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns, occurring on school property or at school-sponsored events. Solutions and responses may include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct."

In initiating the school safety audit process, the General Assembly further mandated in §22.1-278.1 that the "Superintendent of Public Instruction shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section." The *Code* additionally stipulated that each local school board require all schools under its supervisory control to conduct safety audits per §22.1-278.1 and consistent with the aforementioned list.

Accordingly, the Department of Education (DOE) has *Code*-mandated oversight of the school safety audit process in local schools. In response to the above legislation, DOE developed a school safety audit document in 1997 that was designed to assist school divisions in developing their own protocol. DOE produced a revised protocol in 2000 that guides the content and procedures of the audit process. Primary components of this version include:

- a checklist of items to guide the review,
- directions for completion of the audit process (including an on-site visit process), and
- an explanation of each school's responsibilities to certify audit completion with DOE.

The DOE protocol indicates that each school should complete the safety audit process every three years. Schools are not asked to submit actual audit documents; however, each local school

is required to submit a certification to the DOE Central Office. The certification document must be signed by the Division Superintendent, and confirms that the school has conducted a safety audit. No other reporting requirements were established at this time.

### **Subsequent Legislative Modifications**

Since the school safety audit process was initiated by the Virginia Code in 1997, several legislative revisions have occurred.

#### ***1999***

Changes were made to *Code of Virginia* §22.1-278.1 during the 1999 General Assembly session to clarify the safety audit requirements. As established, the mandate did not specify the form (i.e., level of documentation required, if any) that the safety audits should take. The General Assembly amended the safety audit legislation to require that school safety audits be **written**, effective July 1, 1999. At this time, the *Code* was also amended to reflect the requirement for each school to maintain a copy of the audit in the principal's office, and have it available for review upon written request.<sup>1</sup>

#### ***2000***

During the 2000 General Assembly session, the VCSS was established via §9-173.21 within the DCJS. Among the VCSS' duties was a charge to collect, analyze, and disseminate Virginia school safety data, including school safety audit information.

#### ***2001***

More extensive changes occurred as a result of the 2001 General Assembly session. To begin, separate bills passed that required review and reorganization of *Code of Virginia* Title 9, respective to administration of government (Senate Bill 1098), and Title 22.1, which contains the student discipline statutes (Senate Bill 1359). As a result of this process, the *Code* section that outlines the roles of the responsibilities of the VCSS at DCJS was changed from §9-173.21 to its current section: §9.1-184. Additionally, the statute that governs the conduct of school safety audits was changed from §22.1-278.1 and became §22.1-279.8.

Additional changes were passed during 2001, resulting primarily from lack of information about school safety audits. Specifically, while DOE had developed a school safety audit protocol to guide the content and procedures of the audit process, no standardized reporting process has been put in place. Since the inception of the safety audit process in 1997, the *Code* had not mandated DOE to review the safety audits, to maintain copies of the audits, or to report on the audit findings. DOE developed a certification process and kept these records on file, but no monitoring of school safety audit completion or findings was conducted.

Consequently, further clarifications to the VCSS mandate (§9.1-184) became effective on July 1, 2001. The data collection/analysis provision was modified to state that the VCSS should "Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information ***submitted to it pursuant to §22.1-279.8,....***" This clause was incorporated

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<sup>1</sup> At this time, the school safety audit legislation was also modified to incorporate independent language requiring school crisis and emergency management plans. These passages do not affect the safety audit mandates.

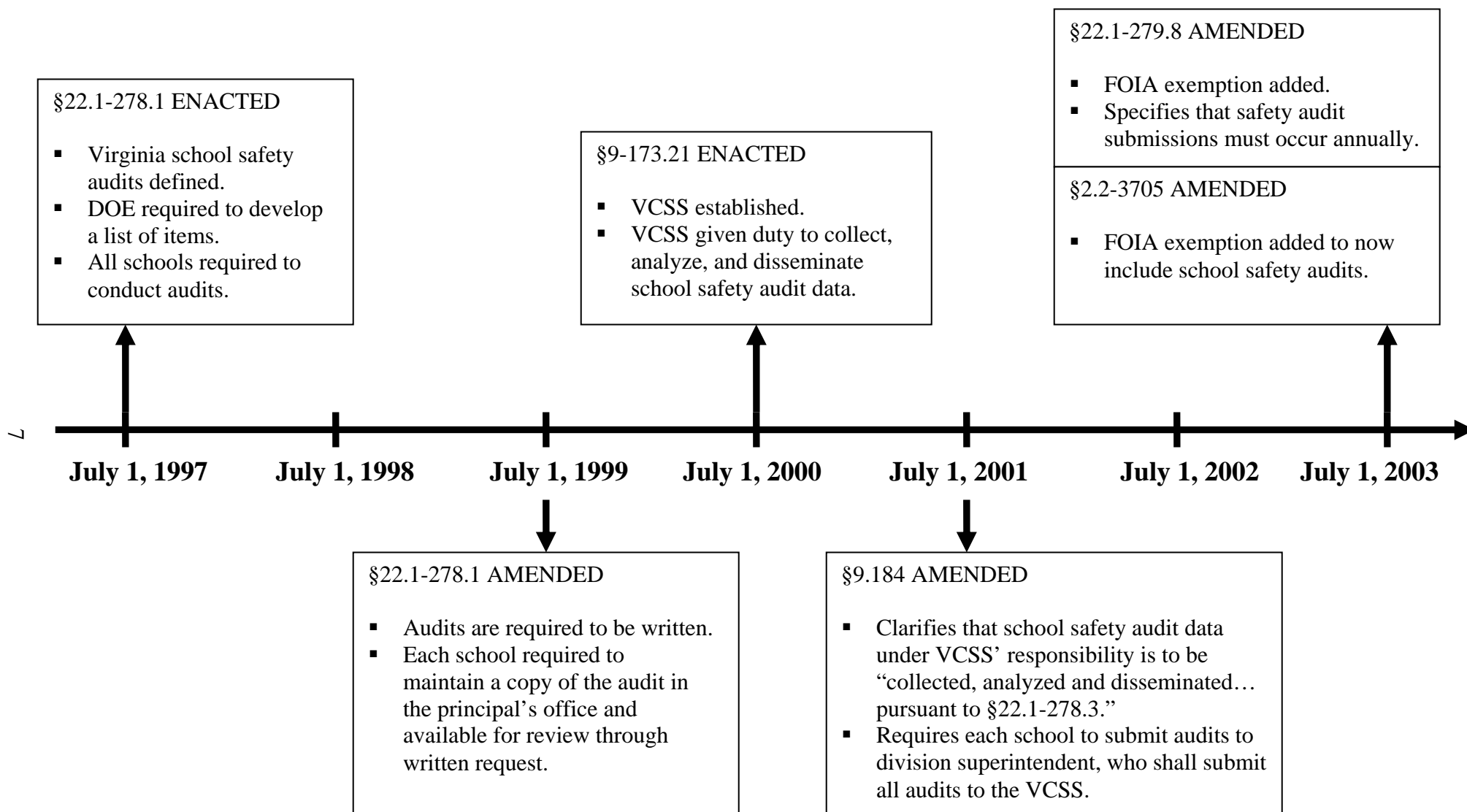
into the VCSS statute through passage of HB1587, and effectively assigns the VCSS responsibility for processing information that results from the school safety audit process, although the school safety audit document was not designed with the intention of yielding summary data. An independent item was also added to §22.1-279.8 which requires each school to submit its school safety audit to the division superintendent, who in turn shall “collate and submit all such school safety audits to the Virginia Center for School Safety” (Section B).

### **2003**

The 2003 General Assembly further revised §22.1-279.8 to place a specific time requirement on superintendents to submit school safety information to the VCSS. Rather than submit the audit every three years, as directed by DOE, the *Code* was modified to require annual submissions of school safety audit information (effective 7/1/03). Additional modifications, specifically regarding HB2621, included Freedom of Information Act (FOIA) exclusions; these developments are discussed in greater detail on page 9.

A timeline illustrating the legislative history of school safety audit legislation, as noted above, is provided on page 7.

**Figure 1**  
**Timeline for Virginia School Safety Audit Legislation**



Note: In 2001, §9.173.21 was renumbered to §9.184, and §22.1-278.1 was re-numbered to 22.1-279.8. An explanation of these changes is found on page 4.

### **III. IMPLEMENTATION OF THE VCSS' SCHOOL SAFETY AUDIT REPORTING RESPONSIBILITIES**

In response to these legislative changes, DOE disseminated Superintendent's Memo No. 135, dated September 21, 2001 (see Appendix B). This memo stated that DOE was collaborating with the VCSS to develop procedures to collect safety audit information, per the *Code* mandate. Superintendents were also told that they would be informed of procedural changes when they are developed. To address its reporting mandate, the VCSS requested assistance from the DCJS Criminal Justice Research Center and began efforts to work collaboratively with DOE on reporting requirements.

#### **Safety Audit Work Group**

The VCSS formed a Safety Audit Work Group in May 2002, to assist in implementation of its reporting mandate. The membership of the Safety Audit Work Group was determined by both the VCSS and DOE, and included a combination of school superintendents, local school principals, local law enforcement officials, Virginia Crime Prevention Association (VCPA) representatives, and school security professionals.

A Work Group meeting was held on June 6, 2002 to discuss emergent issues, including clarification of legislative intent, VCSS responsibilities, and implementation of VCSS' data processing and dissemination mandate. VCSS reported its concerns that the DOE protocol document, as is, could not be used as an aggregate reporting tool. DCJS staff suggested that a strategy for measurement could be integrated with the existing DOE protocol. Primary points of agreement at the meeting included:

- The need for reporting system improvements;
- The need for a codebook to accompany any new reporting form, to include directions for use and terminology definitions;
- The need for a uniform reporting format across schools;
- The importance of a reporting tool that is useful for schools;
- Consideration of FOIA implications; and
- Recognizing that training on the protocol and reporting format will be critical.

In July 2002, VCSS and DOE met for a follow-up discussion on issues identified by the Work Group, specifically the reporting difficulties and interpretations of agency responsibilities. While DOE's legislative authority for the audit protocol and the VCSS' legislative authority for the reporting mechanisms were mutually clarified, challenges were acknowledged in reconciling these separate, but interdependent, responsibilities. Both agencies wanted to avoid imposition of two independent strategies to complete the audit process and reporting. The two agencies agreed that there was value in having an audit protocol that could meet reporting requirements.

#### **Secure Virginia Panel Recommendations**

In January 2002, the Secure Virginia Panel was formed with the general mandate to:



“Improve the Commonwealth’s preparedness and response and recovery capability for natural disasters and emergencies of all kinds, including terrorist attacks.”

Recognizing that schools have vulnerability as possible targets of terrorism, school safety issues were included under the Panel’s scope. In November 2002, Secure Virginia Panel recommendations were released that addressed two issues pertinent to school safety.

- 1. The Panel recommended that the Governor seek legislation to provide a FOIA exemption for portions of the school safety audit, specifically, those which deal with security weaknesses and vulnerabilities.*
- 2. The panel recommended that the Governor seek legislative authority to designate one state agency (either DOE or DCJS) with the process development, measurement, and follow-up of school safety audits.*

As a response to the first recommendation, House Bill 2621 from the 2003 General Assembly session passed and modified §22.1-279.8, effective July 1, 2003. This bill states that “The local school board shall retain authority to withhold or limit the release of any security plans and specific vulnerability assessment components as provided in §2.2-3705. Each school shall maintain a copy of the school safety audit, which may exclude such security plans and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.”

DCJS submitted a formal inquiry to the Virginia Freedom of Information Advisory to determine if the exemption applies to information required for submission to DCJS in its government administration capacity. The Council replied that Superintendents are required to send audits in their entirety to DCJS, but may apply the exemption from disclosure upon public request for such information (see Appendix C).

No legislation was proposed to address the Panel’s second recommendation.

### **Review of School Safety Auditing in Other States**

A brief website review of other states’ school safety legislation, programs, and audits was also conducted. This information was collected to provide a very general assessment of the status of school safety efforts around the nation, as compared to Virginia. Thirteen states, including Virginia, were identified as having some sort of legislation related to a school safety audit process. Research staff was unable to locate legislation mandating school safety audits or assessments for the remaining 38 states (including the District of Columbia).

Some states have a designated state or public school safety center, while others manage school safety through the state departments of education or public instruction. Fifteen states have some sort of audit or assessment process, protocol, or checklist similar to the DOE protocol. Eight other states seem to serve as a resource or clearinghouse for school safety information, providing

information, surveys, “best practice” tips, planning guides, and safety, crisis management, and emergency response plans.

Of the 15 states with reporting mechanisms, some are in a checklist format, with a variety of answer options (e.g., YES/NO, OK/POTENTIAL PROBLEM, YES/NO/IMPLEMENT/IMPROVE). Some reporting mechanisms consider degree of implementation, with answer options such as COMPLETE/IN PROGRESS/HAVE NOT ADDRESSED. A few mechanisms do not incorporate a checklist, but provide questions and items to guide documentation of needs and safety concerns. Only one document, from Hawaii, discusses thresholds for scoring, and has well-defined “standards of evaluation,” including detailed explanations of the VERY GOOD, ACCEPTABLE, and UNACCEPTABLE ratings for the school inspection.

### **Project Rationale**

This review of existing legislation respective to the school safety audit process, content, and reporting revealed important issues for consideration as future steps are planned. It is clear that the responsibilities for the administration, process, and reporting on school safety audits are divided at the state level. This issue was noted by the Secure Virginia Panel as a critical area for change. In addition, monitoring and compliance of local school safety audits have not been clearly addressed legislatively.

To begin addressing these issues effectively, however, more information on the status of school safety audits is needed. Accordingly, the VCSS initiated a plan in Summer 2002 to compile and organize school safety audit data in a systematic fashion, and address its legislative mandate. The DCJS Research Center agreed to provide technical research services to assist in these efforts. The resulting study, discussed in this report, was developed to review the status of school safety audit data in Virginia.

## **IV. METHODOLOGY**

In collaboration with the VCSS, the DCJS Research Center conducted a review of the Virginia school safety audit process, DOE audit certifications received, and current Virginia school safety audit data. The three primary data sources examined are described below.

### **Review of the DOE School Safety Audit Protocol**

Researchers conducted a review of the existing protocol, as developed by DOE, including related forms and memos. In addition, a detailed review of the school safety audit checklist, previously developed by DOE, was conducted to identify strengths and weaknesses of the tool. These tasks were conducted through a combination of document reviews and discussions with DOE staff.

### **Review of School Safety Audit Certifications**

DCJS Research Center staff also collected information on school safety audit certifications received by DOE. The certification documents are maintained at the DOE Central Office,

organized in paper files by school division. No master list or electronic database of received or outstanding certifications was available. DCJS staff reviewed each paper certification received and created a database to store pertinent information, such as the school division, school name, school type (e.g., elementary), and date of audit completion.

### **Review of Submitted School Safety Audit Information**

To further examine the safety audit process, staff developed and disseminated a letter to request existing school safety audit information (see Appendix D). The VCSS' letter, constructed with DOE input, was sent to each school superintendent and principal, and requested submission of the most recent school safety audit for each local school, as dictated by §22.1-279.8. The request asked each school to submit the audit, along with any supporting documents (e.g., interviews, commendations and recommendations, etc.).

Documents received in response to this request were analyzed to assess the nature and scope of data collection variability for school safety audit information across the state. After collecting and compiling the submissions, the research team developed a database to house data about information received, as available. Retrieved data included:

- School description (school name, division, and type),
- Whether a DOE checklist was submitted,
- Type of the checklist format,
- Whether a DOE certification form was submitted,
- Whether commendations were included in the submission,
- Whether recommendations were included in the submission,
- Whether interview information was provided,
- The numbers and roles of the audit team members, and
- The date of the most recent school safety audit completed.

<b>V. FINDINGS</b>
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Research findings for this project help demonstrate the pros and cons of the existing audit process, assess the adequacy of school safety audit data in its current form for statewide analysis, and assist in developing strategies for a meaningful reporting mechanism. The audit review is focused on three primary sources: (1) the DOE school safety audit protocol, (2) existing school safety audit certifications, and (3) available school safety audit information.

### **Review of the DOE School Safety Audit Protocol**

Prior to requesting all school safety audits that had been completed statewide, research staff reviewed the existing school safety audit protocol documents and procedures. This review served two purposes: (1) to identify critical items to request during the actual school safety audit review process, and (2) to assess the suitability of the current protocol and data collection processes for statewide data analysis and dissemination, per the VCSS' *Code* mandate.

## Description of the Protocol

As a result of developing legislation on school safety, two versions of the DOE protocol were formed. These were consequently designated “original” and “revised.” The original protocol was developed in 1997, while the revised protocol was developed in June of 2000. Both protocol versions contain the same basic components: a description of the rationale for the audit process, a list of answers to possible questions about process, a review of recommended procedures, a checklist of safety audit items, the *Virginia Code* sections that mandate the audit process, and an audit certification form. A comparison of additional protocol characteristics is shown in Table 1.

<b>Table 1</b>		
<b>Protocol Version Comparison</b>		
<b>Component</b>	<b>Original Version</b>	<b>Revised Version</b>
Interview Questions Included?	No	Yes
Best Practice Tips Included?	No	Yes
Item Response Options on Checklist	YES, NO, IMPLEMENT, IMPROVE	YES, NO, N/A, IMPLEMENT, IMPROVE
Number of Content Sections on Checklist	10	12
Total Number of Items on Checklist	144	270

As the table notes, the revised audit checklist is more detailed, covering additional content areas and including considerably more items. Unlike the original version, the revised protocol includes interview questions to use during the site visits, as well as “best practice tips”. Response options for the original checklist were YES, NO, IMPLEMENT, and IMPROVE, but an N/A category was included to expand options in the revised version.

Both versions provide some guidance for implementing the audit; however, the strategies provided in the revised protocol are somewhat more detailed. Specific guidelines for the revised protocol are shown below, and include school safety team information, use of the DOE checklist, preparation and conduct of the site visit, certification procedures, documentation guidance, and follow-up activities.

### Safety Audit Team

- Recommends creation of a three to six member safety audit team, comprised of various stakeholders (e.g., teachers, parents, law enforcement, etc.).
- A school or division may contract with private organizations to conduct the safety audits.
- States that team members should not audit their own facilities, to ensure objectivity.

### Checklist

- The checklist is a guide to conduct the safety audit and additional locality-relevant components may be addressed.

### Preparation and Conduct of Site Visits

- Relevant documents, such as Student Conduct Policy Guidelines and crisis management plans, should be reviewed prior to the on-site visit.
- Two or three team members should conduct a safety audit site visit, which should require approximately one day.
- Components of the site visit include meetings with the building principal and administrators, informal interviews, a walk-through and visual assessment of buildings and grounds, and a short exit interview with the principal.
- On-site interviews should be conducted with administrative staff, four to eight selected teachers, and four to eight selected students, to identify school safety perceptions and concerns.

### Certification Procedures

- A certification of safety audit completion must be submitted to the state superintendent of public instruction.
- In accordance with the completion of the safety audit, the certification must be submitted every three years.<sup>2</sup>

### Documentation Guidance

- A written copy of the audit must be kept on file in the principal's office at each school, and available for review upon written request.
- Audit reports should be written.
- A written report summarizing the findings of the audit team is to be prepared, and submitted to the principal and division superintendent.
- The written report should include at least commendations and recommendations.

### Follow-Up Activities

- The written audit report and recommendations set forth in the report should be reviewed yearly.

### **Protocol Review Findings**

The review indicated that DOE has incorporated extensive information to develop the audit documents, and successfully incorporated CPTED (Crime Prevention Through Environmental Design) principles in the checklist document. It is apparent that the audit checklist was developed with the intent of simplifying the response process for local schools.

However at a very general level, this preliminary review also revealed some concerns with the existing protocol and checklist, as noted below:

- Use of double-barreled questions which require the respondent to answer two or more separate questions with one response field (e.g., Section 1, Item 27: "The play areas have clearly defined boundaries and are protected with fencing."),

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<sup>2</sup> This agency guidance provision has since been superseded by legislative revisions to §22.1-279.8 that require each school to conduct a safety audit annually. This statutory change became effective on July 1, 2003.

- Unclear definitions of critical concepts (e.g., Section 1, Item 44: “Classrooms are well lit.”),
- Vague instructions for how to use the response categories (e.g., The instructions state “Use the following checklist to assess the school’s current level of safety...” and provides response options of YES, NO, N/A, IMPLEMENT, IMPROVE. However, respondents are not instructed whether it is permissible to mark only one or multiple responses.)
- Significant flexibility in the scope of the audit process, which may result in variable data availability across localities (e.g., “... a school may choose to contract with private organizations to conduct the safety audit”; “...checklists can be used as guides, but team members may assess additional components that may be determined locally”).

While the research team identified these potential issues early in the project, examination of a large sample of actual completed audits was necessary. Therefore, these issues were further examined through an extensive analysis of submitted school safety audits.

### **Review of School Safety Audit Certifications**

DOE’s school safety audit protocol requires that a certification be submitted to DOE upon completion of the safety audit process. Prior to July 2003, school safety audits were to be conducted every three years, per DOE protocol. Therefore, DOE school safety audit certifications were reviewed to assess adherence with these guidelines. This examination was conducted using certifications received directly by the DOE office, as well as certifications received as a result of the VCSS data request. Data collection at DOE was conducted in January 2003, while the VCSS data was collected at DCJS in June/July 2003. Therefore, any differences in the findings for these two sources may reflect, in part, variations in the time frames of available data at the time of collection.

### **Certifications on File at DOE**

Received certifications are maintained in paper files at the DOE central offices. In January 2003, research staff retrieved certification information manually, as no database exists to maintain these data. This analysis revealed that of 2,018 schools<sup>3</sup>, 1,827 had at least one certification on file since the onset of the school safety audit mandate in 1997. DOE had not received a safety audit certification from the remaining 191 schools (9%).

### **Certifications Received by the VCSS**

The VCSS specifically requested that the schools send copies of the most recent DOE certification submitted by each school as a part of its data request in June 2003. These data were also entered into a database to conduct compliance analyses. This analysis revealed that of the 1,624 schools that responded to the request, 1,037 (64%) submitted a certification form, and 587 (36%) did not.

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<sup>3</sup> This was the number of schools identified on the DOE list in January 2003.

## Cross-Source Analysis

In examining the certification data across these two independent sources, divergent findings are evident. This is somewhat expected given the dissimilar time frames for data collection, as well as the different ways in which the data were obtained (see above).

All schools did not begin conducting audits during the same calendar year, and no schedule for school safety audit submissions was created for the 3-year submission requirement. Since there was no submission schedule, and compliance was not mandated or regulated at the state level, no submission tracking data exists for a historical review. Consequently, research staff developed a tracking database to analyze received certifications and determine the date of the most recent submission for each school.

On the certification forms there is a place to report the date of the audit. The date of the audit was noted for each school that submitted a certification form. The number of certification forms on file at DOE in January 2003 was compared to the number received at DCJS in July 2003 (see Tables 2 and 3).

<b>Table 2</b> <b>Number of DOE Certification Forms Submitted, by Recipient and Audit Year</b>	
<b>Audit Year</b>	<b>DOE Certification Files, January 2003</b>
1997	-
1998	615
1999	133
2000	90
2001	642
2002	278
2003	69
Unknown	-
<b>Total</b>	<b>1827</b>

NOTE: Due to the date formats used on certification forms on file at DOE, date categories in this table refer to school years (e.g., data in the row labeled "2000" refer to audits reportedly completed during the 1999-2000 school year).

The date formats were varied, as noted in the tables, as some respondents provided partial dates and others provided complete dates. Also, some reported calendar year dates while others provided only the school year in which the audit was completed.

<b>Table 3</b> <b>Number of DOE Certification Forms Submitted, by Recipient and Audit Year</b>	
<b>Audit Year</b>	<b>Materials Received by DCJS, July 2003</b>
1997	1
1998	44
1999	9
2000	46
2001	455
2002	224
2003	214
Unknown	44
<b>Total</b>	<b>1037</b>

NOTE: Due to the date formats used on certification forms submitted to DCJS, date categories in this table refer to calendar years.

These data revealed two very different findings.

- Of the 1,827 DOE certifications on file as of January 2003, 59% of school safety audits occurred within the past three years.
- Certifications received by the VCSS from 1,037 schools indicate that 95% of school safety audits completed, as of June 2003, were conducted in the past three years.
- Certifications were unavailable in the DOE records for approximately 9% of schools, while approximately 36% of schools did not provide certifications to the VCSS as requested.

### **Review of Available School Safety Audit Information**

In addition to the school safety audit certifications, each school division in the Commonwealth was asked to submit school safety audit information for each public school in its division. The information request, described on page 8, was based on the recommended components in DOE's protocol and specifically included: the school safety checklist, recommendations and commendations, and interviews of school administration, staff, and students.



## Responses Received

Working from a list of all Virginia public schools<sup>4</sup>, each school's submission was logged in when it arrived at DCJS. If a submission was received from a school that was not on the existing list, it was added under the appropriate school division. The final list consisted of 2033 schools in 132 divisions.

Due to time constraints, only data received at DCJS by July 28, 2003 were included in the data analyses for this report.<sup>5</sup> By this date, sixteen school divisions had not submitted any school safety audit information. They are listed below:

Alleghany/Highlands County	Norton City
Buena Vista City	Petersburg City
Charles City County	Powhatan County
Colonial Beach City	Rockbridge County
Franklin City	Russell County
Greene County	Staunton City
King and Queen County	Sussex County
Middlesex County	Winchester City

Unless otherwise noted, the information reported in the remainder of the Findings section is based on the 1,624 schools (representing 112 divisions) that responded to the information request by the deadline.

After the data were collected, researchers conducted various analyses which showed:

- A total of 1,624 schools from 112 divisions responded with some sort of submission to DCJS' request for school safety audit material.
- Eighty percent of the total number of individual public schools in Virginia responded to the information request.
- At least one school from 85% of the school divisions responded to the information request; however, some divisions did not provide audit information for every applicable school.

### *Response by type of school*

Letters requesting school safety audit information were mailed to all public schools in Virginia. The response rate for each category of school type is listed in Table 4. The more "traditional"

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<sup>4</sup> The list of all Virginia public schools was acquired at start of the 2002 – 2003 school year from the DOE website: [www.pen.k12.va.us/VDOE/dbpubs/doedir/ea.html](http://www.pen.k12.va.us/VDOE/dbpubs/doedir/ea.html).

<sup>5</sup> Two school divisions (Danville City and Gloucester County) submitted data to DOE rather than DCJS. Audit information was also received by the Fluvanna County and Nelson County divisions at DCJS after July 28, 2003. Audits for these four divisions were received by DCJS too late to be included in the report findings.

school types (elementary, middle, high, and combined) had response rates of 81% or more. The overall response rate was 80%.

<p><b>Table 4</b> <b>Response Rate by Numbers and Types of Schools</b></p>		
<b>Type</b>	<b>Total Number of Schools</b>	<b>Response Rate</b>
Elementary	1204	81%
Middle	305	86%
High	295	81%
Alternative	76	57%
Career/Technical	45	67%
Combined	38	89%
Unknown	32	69%
Special Education	21	48%
Other	10	60%
Charter	6	33%
Governor's	1	0%
<b>Total</b>	<b>2033</b>	<b>80%</b>

Note: Schools listed as type "unknown" generally consisted of schools that were not on the original DOE list. Information was actually received from these schools, but the type of school was not indicated.

### ***Response by type of locality***

The number and response rate of both county schools and city schools was also compared. By a slight margin, a higher percentage of city schools sent in the requested information than did county schools (see Table 5 below).

<p><b>Table 5</b> <b>Response Rate by Type of Division</b></p>		
<b>Division Type</b>	<b>Total Number of Schools</b>	<b>Response Rate</b>
County	1415	77%
City	618	85%

Note: West Point is officially a "town" and has its own school division. Its data are included among the city data.

### **Schools Safety Audit Teams**

Nearly half of the schools (n=786) provided information about the persons who conducted the school safety audits at their school. The level of specificity varied for the information provided;

some members were described by name only, some by position or title only, and some by both name and title.

The reported number of members on each school safety audit team ranged from 1 to 12. The most frequent number (mode) of persons on a team was four. The school safety protocol suggests that audit teams consist of three to six members. Of the 786 schools providing such data, 78% reported school safety audit teams consisting of the recommended number of members.

There were 425 schools that specifically named the positions or titles of their school safety audit team members. The types of positions reported are displayed in Table 6, below.

<p><b>Table 6</b>  <b>Percentage of School Safety Audit Team Members, by Type of Position (n=1710)</b></p>	
<b>Type of Position</b>	<b>Percentage</b>
Principal/Assistant principal	23%
Facility staff	16%
Law enforcement	15%
Administrative staff	9%
Safety/security staff	8%
Academic staff	7%
Counselor/Guidance counselor	5%
Parent	5%
School resource officer (SRO)	4%
Nurse/Student health staff	2%
Student services staff	2%
Superintendent	1%
Emergency services	1%
Community representative	1%
Activities/Athletic staff	1%
Disciplinary staff	1%

Note: The following positions were also named as school safety audit team members but represented less than one percent of the total (n=1710): chairperson, clerk, unspecified staff, special education staff, student, and PTA president or member.

### **Dates of Most Recent School Safety Audits**

Of the 1,624 schools that submitted some sort of school safety information, 1,426 also included the date of their most recent audit. The date formats varied a great deal. Dates were reported as: a complete date (month/day/year); by month and year; by year; and by school year (e.g., 2000 – 2001). For analysis purposes, school years were coded using the year when the school year ended (e.g., 2000 – 2001 school year was coded as 2001).

As shown in Table 7, of those schools for which the audit dates were known, about 90% were conducted within the last three school years in compliance with the *Code*.

<b>Table 7</b> <b>Most Recent School Safety Audit Date: Year (n=1426)</b>		
<b>Year Conducted</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
1997	2	<1%
1998	66	5%
1999	18	1%
2000	63	4%
2001	617	43%
2002	341	24%
2003	319	22%

As shown in Table 8, audits were most often reported to have been conducted toward the end of the school year. Of those schools for which the audit months are known, 40% were conducted in either April or May of a given year. (Note: Not all certifications included the month the audit was conducted.)

<b>Table 8</b> <b>Most Recent School Safety Audit Date: Month (n=1231)</b>		
<b>Month Conducted</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
January	72	6%
February	88	7%
March	204	17%
April	246	20%
May	251	20%
June	139	11%
July	6	<1%
August	9	1%
September	15	1%
October	66	5%
November	86	7%
December	49	4%

## Audit Components Received

Of the responding schools, 54% returned some version of a DOE checklist and 46% did not return any type of DOE checklist. Although 874 schools submitted DOE checklists, not all were the most current version. Instead, some submitted the older, original version of a DOE checklist. The original version does not include many of the items found on the revised checklist. Still others sent in both types of checklists (original and revised). In these instances, the assumption was made that the revised checklist was the most recently conducted, but this was not always clear. The number and percentage of schools that submitted each type of received checklist are depicted in Table 9.

<b>Table 9</b> <b>Types of DOE Checklists Received</b>		
<b>Type of Checklist</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
Revised DOE checklist	646	40%
Original DOE checklist	212	13%
Both revised and original versions of checklists	16	1%
No checklist received with submission	750	46%
<b>Total</b>	<b>1,624</b>	<b>100%</b>

Another component of the school safety audit documentation process is the DOE Certification Form. Of the submissions received, 64% included a certification form, although they varied in levels of completion. Of reporting schools, 57% returned a fully completed DOE certification form and 43% did not. These findings are described in Table 10.

<b>Table 10</b> <b>Completion Level of Certification Forms Received</b>		
<b>Completion Level of DOE Certification Form</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
Complete	919	57%
Incomplete: partial audit information	92	6%
Incomplete: blank form or signature only	26	2%
No certification received with submission	587	36%
<b>Total</b>	<b>1,624</b>	<b>101%</b>

Note: Percentage does not equal 100% due to rounding.

Commendations and recommendations are other suggested components of the DOE school safety audit protocol, and were also requested. A total of 1,067 (66%) schools submitted either a

list of commendations, recommendations, or both (see Table 11). Thirty-four percent of schools did not submit this information.

About half of the responding schools (52%) returned both commendations and recommendations as requested, 54% included at least commendations, and 63% included at least recommendations. There were 29 schools that listed only commendations, and 197 that listed only recommendations. There were two schools (in two different divisions) for which the auditors specifically reported that no recommendations were necessary.

<b>Table 11</b> <b>Commendations and Recommendations</b>	
<b>Information Submitted</b>	<b>Number of Schools</b>
Commendations	869
Recommendations	1031
Both commendations and recommendations	838

Note: The 838 schools that submitted both commendations and recommendations are included in the numbers of schools that included commendations and that included recommendations.

Another item recommended for inclusion in the school safety audit process is interviews. The protocol includes three different sets of questions to be used for interview: one for administrators, one for school staff, and one for students. Some schools also created their own interviews/surveys and submitted those as part of their school safety audit package. There were 299 schools (18%) that submitted some type of interview data.

### **Additional Findings**

Among the school safety audit materials received, some schools reported information in an aggregated format. This means that, instead of sending information representing an individual school, the information received summarized findings for the entire school division. In Table 12, the types of materials received in an aggregated format are reported.

<b>Table 12</b> <b>Aggregated Materials Received</b>	
<b>Item Type</b>	<b>Number of Divisions</b>
Interview data	11
Commendations/Recommendations	9
Narrative report	6
Certification Form	5
Checklist	2
Other	2

A total of 318 schools from 25 divisions submitted some materials in an aggregated format; 105 schools sent at least two different items in an aggregated format, and 62 schools sent at least three different items in an aggregated format.

Besides the requested school safety audit items, additional items that were not specifically requested were also received. These items are listed in Table 13, by the number of schools and divisions that submitted them.

<p style="text-align: center;"><b>Table 13</b> <b>Additional Items Received</b></p>		
<b>Item Type</b>	<b>Number of Schools</b>	<b>Number of Divisions</b>
Corrective action plan	98	7
Follow-up report	94	4
Certification form from previous year	63	1
Crisis management/preparedness plan	50	11
Narrative report	36	7
Floor plan	33	4
Inspection report (fire, code, sanitation, etc)	29	5
CPTED/security assessment	16	2
Checklist from previous year	14	4
Photos	12	5
Other	12	7
Crime/violence data	8	1
Narrative report from previous year	8	4
Commendations/Recommendations from previous year	2	1

A total of 270 schools sent in additional information that they considered part of their safety audits. Additionally, 127 schools sent at least two types of material that were not requested, 68 schools sent at least three types of material that were not requested, and ten schools sent at least four types of material that were not requested.

### **Response Variability**

In addition to examining the types of information submitted, the research team also examined the procedural consistency of DOE checklist completion for the 869 localities that submitted these documents. Measures of response variability were examined to assess the feasibility of using the existing checklist data to compile and analyze data on a statewide level. Specifically, DOE checklists were reviewed in detail to examine four possible areas of response variation: (1) whether respondents documented one response or multiple responses for each checklist item, (2)

whether the checklist response boxes were used as a “check-off” grid versus a field for written comments, (3) the prevalence of missing items, and (4) the prevalence of missing sections.

This review revealed that some schools (33.6%) completed the checklist by indicating only one response (YES, NO, N/A, IMPLEMENT, IMPROVE) for each checklist element. However, most of the schools in this sub-sample checked multiple response options for some checklist elements. This finding suggests that persons who use the audit checklist may be interpreting the completion instructions in various ways. The directions do not appear clear on this point, which compromises utility of these data for statewide compilation.

<b>Table 14</b> <b>Checklists answered mutually exclusive vs. multiple response</b>		
<b>Response pattern</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
Answered mutually exclusive/one response	292	33.6%
Answered multiple response	577	66.4%
<b>Total</b>	<b>869</b>	<b>100%</b>

In a related finding, about one-third of school safety audit checklists were completed using a “check-off” response method, while others provided written comments (63.1%). Again, such variations in response strategies significantly complicate interpretation of these data on a statewide basis.

<b>Table 15</b> <b>Checklists answered using comments vs. checkboxes</b>		
<b>Response pattern</b>	<b>Number of Schools</b>	<b>Percentage of Schools</b>
Answered using comments	548	63.1%
Answered using checkboxes only- no comments	321	36.9%
<b>Total</b>	<b>869</b>	<b>100%</b>

Finally, missing information emerged as a possible data quality concern among the school safety audit checklist sample. About one-third of checklists contained missing items, including almost 9% that were submitted with entire sections of the audit missing.



## VI. CONCLUSIONS AND RECOMMENDATIONS

### CONCLUSIONS

In recent years, Virginia has progressed in its efforts to monitor school safety through creation of the school safety audit process. Since its inception in 1997, the school safety audit legislation has effectively acted as a conduit for requiring each school to conduct a safety audit, creating a recommended safety audit process, developing a checklist of pertinent safety issues to be considered during the audit process, and implementing an information reporting and dissemination strategy. Both the Virginia Department of Education and DCJS' Virginia Center for School Safety have responsibilities for executing the school safety audit provisions outlined in *Code*.

Despite these efforts, the status of school safety in Virginia's schools is still unclear. As these report findings indicate, neither the method used to conduct school safety audits nor the format used to report school safety audit information have been standardized at the state level. Indeed, responses to the VCSS' request for school safety audit information revealed that local school safety audit processes are quite varied. The degree of flexibility inherent in the audit and documentation process results in a wide range of reporting formats, rendering a substantive analysis of the checklist items nearly impossible. This finding underlines the fact that the school safety audit document was not designed to yield summary data. Other audit information, such as interview data, commendations, and recommendations, are also submitted in various formats making these data very difficult to code and interpret within a reasonable time frame. Based on this data review, some of the most specific impediments to meaningful statewide analysis are:

- ***Variability of submissions:*** The DOE school safety audit protocol recommends that specific components be included in conducting the audit process (e.g., checklist, interviews, commendations and recommendations, etc.), but does not specify a standardized procedure. Consequently, since particular components of the audit are not specifically required, a wide variety of activities are conducted. The documentation of these activities, submitted to represent each school's audit process, likewise varies widely. These divergent types of materials rarely include consistent items or measures.
- ***DOE checklists:*** While DOE has developed and disseminated a safety audit checklist to guide the collection of information during the site visit, use of the checklist is not required. Consequently, not all schools use the checklist to conduct the audit process. Among schools that currently utilize it, two different versions are being used. Even among schools that use the same version, variability exists in how the checklist is being completed. Such variations create significant problems for statewide analysis.
- ***Use of narratives:*** School safety audit information submitted in a narrative format presents particular challenges for analysis. Commendations and recommendations were often submitted in a narrative format requiring the analyst to (1) locate statements that appear to be a commendation or recommendation within the narrative text, (2) judge whether a statement is a commendation or a recommendation, and (3) then code the

statement in a way that it can be analyzed. This is a very time-consuming process, and prone to some error due to unclear labeling of commendations and recommendations.

- ***Aggregated information:*** Data submitted in an aggregated format (i.e. school level data aggregated to division level) are simply not comparable to other data submitted individually by the school. Also, the receipt of aggregate data raises the question of whether school-specific reports are available, as required by *Code*.
- ***Extraneous materials:*** Many schools also submitted materials outside the scope of the information request. Although much of this material may be related to safety issues, most could not be used to assess school safety audit findings at a statewide level. Because such information is extremely varied in format and content, it is too time-consuming and costly to code and analyze for statewide analysis purposes.

Other problems encountered in this review included contradictory audit information that was supplied among materials from the same school and submissions where the identification of the reporting school was unclear due to renaming, combining, etc. of schools.

## ***RECOMMENDATIONS***

To address the issues outlined above and create a more conducive environment for comprehensive and useful statewide reporting of school safety audit information, the research team developed several recommendations, as noted below.

### **Standardization**

#### **1. The procedures to conduct school safety audits in Virginia should be modified to require standardized practices.**

The current protocol that guides the conduct of school safety audits incorporates considerable flexibility for local school systems. This decision was presumably made, in part, to accommodate varying degrees of resources that localities may have available to fulfill the safety audit mandate. While local flexibility can be beneficial under selected circumstances, the variations found in the submitted school safety audit data reveals two important issues: (1) local schools are likely defining the scope of school safety audits very differently, and (2) variations in audit practices have resulted in significant variations in documentation of the audit process.

These findings dramatically reduce the feasibility of producing a meaningful summary of school safety audit information at the statewide level. DCJS' ability to fulfill its reporting mandate is hindered by the current process. Efforts to remedy this problem should include modification of the school safety audit procedures to incorporate standardized procedures, including clear delineation of required components, as well as use of consistent measures and explicit instructions on how to conduct the audit.

#### **2. Standardized reporting tools to document school safety audit findings should be created, and local school systems should be required to use them.**

No current reporting mechanism exists for school safety audit information. While the *Code* definition of the audit itself indicates that it must be written and requires that the audit be submitted to the VCSS, clarification on the content and format of the written documents is lacking. Because no standardized report format exists, the VCSS experienced difficulties simply determining exactly what to request when it created the information request letter described in this report. Though the DOE protocol was used as a guide to request information, a review of received information revealed that the “audit report” consisted of different items for different schools.

In addition, DOE staff have clearly stated that the protocol was not created to serve as a reporting tool. However, one portion of the existing protocol, the DOE checklist, could potentially be useful as a reporting mechanism with a few changes to address reporting limitations. First, the Code of Virginia does not require that the checklist be completed as a part of the audit process, so many schools do not use it. Second, the instructions for the checklist are vague, such that schools complete it in a variety of ways, including using the spaces provided as check-off fields or alternatively for written comments. Finally, to be used as measurement indicators, many of the checklist items require specific definitions to standardize interpretation statewide. Modifications to the DOE checklist, along with additional standardized reporting strategies and related training, would significantly maximize the utility of school safety audit data for statewide reporting and analyses.

### **Administrative Structure**

#### **3. Supervision of the school safety audit program should reside within one agency to ensure a comprehensive administration model, and consequently ease data management and reporting difficulties.**

The school safety audit process appears to be complicated by the fact that it is dually administered by DOE and the VCSS. DOE has had the *Code*-mandated responsibility to develop the audit checklist since 1997, and also developed the audit protocol at that time. As noted earlier, the protocol was not designed for reporting purposes. In 2000, the VCSS was created and charged with collecting, analyzing and disseminating school safety audit data. However, the VCSS has no authority over how the audit process is conducted.

Because the dual mandates delineate the process from the reporting, available school safety audit data cannot be easily analyzed. Audit certifications are submitted to DOE, per their established protocol, while reporting procedures fall under the VCSS responsibilities. In addition, the *Code* does not explicitly require monitoring or compliance of the safety audit procedures by either agency. Perhaps as a result, these activities have not been accomplished prior to the development of this report. The establishment of tracking and recordkeeping for school safety audit submissions is needed, but the current process of reporting to two different agencies may be confusing, and perhaps burdensome, to local schools. As an example, some schools that received the VCSS data request submitted safety audit data to DOE instead. DOE, in collaboration with the VCSS, should develop an updated Superintendent’s memo that clarifies local reporting requirements to the VCSS, to be effective until audit responsibilities become housed in one agency.

It seems that a set of integrated procedures is possible, and advisable, to more effectively accomplish both administration and reporting. The Secure Virginia Panel in November 2001 also recognized these difficulties, and recommended that one agency be given the all responsibilities for the audit. To date, no changes have been formally proposed to change responsibilities.

#### **Future Areas of Consideration**

#### **4. State administrators should modify reporting procedures to allow meaningful analyses of the content of school safety audit reports.**

As a long-term goal, the content of completed school safety audits should be analyzed to provide information on emergent safety issues in local schools. By design, this was likely the intent of the safety audit process upon its initiation. However, variability in data formats currently preclude the ability to conduct such analyses in a meaningful fashion. While a general review of existing content information may be possible at this point, it is important to recognize that difficulties with non-standardized formats, vague definitions, and double-barreled questions present significant interpretational difficulties. Conclusions from any such findings should be approached with caution. However, future modifications to the process and reporting procedures, as noted above, should be strongly considered to enhance the utility of audit content.

#### **5. Entry and maintenance of school safety audit information into an electronic format should also be considered as a long-term goal.**

Development of an electronic reporting and submission system would be beneficial in three ways: (1) data analysis and reporting could occur in a less burdensome and more timely fashion, (2) an electronic system would likely incorporate greater data consistency and be more conducive to ongoing modifications, and (3) data could be easily accessed at both the state and local levels for compliance, review, planning, and reporting purposes. In addition, the use of electronic technology to assist in the school safety process may reduce paper, mailing, and storage costs. However, some practical issues must be considered before an electronic system could be developed, such as system expense, availability of system maintenance, and implications for addressing FOIA mandates.

### **VII. ACKNOWLEDGEMENTS**

The Research Center staff would like to acknowledge School Division Superintendents, school administrators and principals, and relevant staff for their cooperation in submitting the school safety audits and related information. From the Virginia Department of Education, we would also like to acknowledge Ms. Marsha Owens, School Violence Prevention Specialist, and Dr. Lissa Power-deFur, Director of Student Services, for their assistance with this project. Additionally, we would like to extend special thanks to those staff from the Virginia Center for School Safety and the Crime Prevention Center within the Department of Criminal Justice Services who provided significant support in this effort.

## **Appendix A**

### Relevant Code Sections

### **§9.184 Establishment of Virginia Center for School Safety**

A. From such funds as may be appropriated, the Virginia Center for School Safety (the "Center") is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety and the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;
2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;
3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;
4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;
5. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;
6. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety;
7. Develop a memorandum of understanding between the Commissioner of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention; and
8. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

### **§22.1-279.8 School safety audits and school crisis and emergency management plans required.**

A. For the purposes of this section, unless the context requires otherwise:

"School crisis and emergency management plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or

exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Superintendent of Public Instruction shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans and specific vulnerability assessment components as provided in § 2.2-3705. Each school shall maintain a copy of the school safety audit, which may exclude such security plans and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits to the Virginia Center for School Safety.

C. The school board may establish a school safety audit committee to consist of representatives of parents, teachers, local law-enforcement agencies, judicial and public safety personnel, and the community at large. The school safety audit committee shall evaluate, in accordance with the directions of the local school board, the safety of each school and submit a plan for improving school safety at a public meeting of the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis and emergency management plan, consistent with the definition provided in this section. The Department of Education and the Virginia Center for School Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis and emergency management plans.

Upon consultation with local school boards, division superintendents, the Virginia Center for School Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis and emergency management plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis and emergency management plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

**§2.2-3705, Section A, Part 85 FOIA Exemption**

Security plans and specific vulnerability assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster or other catastrophic event, or (ii) any person on school property has suffered or been threatened with any personal injury.



**Appendix B**

Superintendent's Memo No. 135

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
RICHMOND, VIRGINIA 23218-2120

SUPTS. MEMO NO. 135  
September 21, 2001

INFORMATIONAL

TO: Division Superintendents

FROM: Jo Lynne DeMary  
Superintendent of Public Instruction

SUBJECT: SCHOOL SAFETY AUDITS §22.1-279.8

This memorandum provides a status report in response to questions regarding the requirements of Section §22.1-279.8 of the Code of Virginia, which was passed by the 2001 session of the Virginia General Assembly. Section §22.1-279.8 requires division superintendents to ". . .collate and submit all such school safety audits to the Virginia Center for School Safety." The process for the submission of these documents is under development.

The Department of Education is collaborating with the Virginia Center for School Safety (VCSS) at the Department of Criminal Justice Services (DCJS) to develop procedures for the collection of school safety audit reports as required by this legislation. With the exception of this addition to the legislation that requires submission of the audit report to the VCSS (paragraph B), all other requirements of §22.1-279.8 remain the same. Therefore, school divisions should continue to conduct audits on the three-year rotation cycle already established by the School Safety Audit Protocol. This includes the development of a written report citing commendations and recommendations, which must be kept on file in the principal's office. Also, superintendents must submit certification to DOE that the audit has been conducted.

We will inform you of changes to this procedure when they occur.

A copy of the School Safety Audit Protocol may be viewed on the DOE homepage: [www.pen.k12.va.us](http://www.pen.k12.va.us) to *Instructional Support Services* to sidebar *School Safety*. If you have any questions, please contact Marsha Owens at 804) 225-2928 or via e-mail: [mowens@mail.vak12ed.edu](mailto:mowens@mail.vak12ed.edu) or by phone at 804)225-2928.

JLD/MO/shs

**Appendix C**  
*FOIA Letter*



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL  
COMMONWEALTH OF VIRGINIA

Senator R. Edward Houck, Chair  
Delegate S. Chris Jones, Vice Chair

Maria J.K. Everett, Esq., Executive Director  
foiacouncil@leg.state.va.us

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General Assembly Building ~ 910 Capitol Street, Second Floor ~ Richmond, Virginia 23219  
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://dls.state.va.us/foiacouncil.htm>

June 24, 2003

Mr. Leonard G. Cooke, Director  
Department of Criminal Justice Services  
805 East Broad Street, Tenth Floor  
Richmond, Virginia 23219

*The staff of the Freedom of Information Advisory Council is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the information presented in your letter of May 16, 2003.*

Dear Mr. Cooke:

You have asked a question about the application of the Virginia Freedom of Information Act (FOIA) to school safety audits required to be conducted by public schools and forwarded to the Virginia Center for School Safety ("the Center") at the Department of Criminal Justice Services.

Section 22.1-279.8 of the Code of Virginia requires all public schools to annually conduct a school safety audit.<sup>1</sup> Subsection A of § 22.1-279.8 defines an audit as *a written assessment of the safety conditions at each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.* Subsection B of § 22.1-279.8 requires that each school submit its audit to the relevant school division superintendent, and that the superintendent in turn submit all of the audits of the schools in the division to the Center. Subdivision A 4 of § 9.1-184 requires the Center to *[c]ollect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8.*

The 2003 Session of the General Assembly amended subsection A of § 2.2-3705 to create a new FOIA exemption for *[s]ecurity plans and specific vulnerability*

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<sup>1</sup> This opinion will rely on the language of Virginia Acts of Assembly Chapter 801 (2003). This Chapter amends § 22.1-279.8 relating to school safety audits and creates a FOIA exemption for certain portions of the audits. The amendments found in Chapter 801 will become effective July 1, 2003.

Mr. Leonard G. Cooke, Director  
June 24, 2003  
Page 2

*assessment components of school safety audits, as provided in § 22.1-279.8.*<sup>2</sup> Subsection B of § 22.1-279.8 requires that the results of school safety audits be made public within 90 days of completion. However, the local school board retains the authority to withhold or limit the release of security plans and specific vulnerability assessment components in the audits pursuant to the FOIA exemption. In light of this new exemption, you ask whether school divisions must submit the entire audit to the Center, or whether a division may withhold those portions of the audit that the school board designates as security plans or specific vulnerability assessment components.

Generally, FOIA sets forth the procedures for a public body to follow in responding to a request for public records. In responding to requests, a public body has the discretion to withhold records or portions of records that are subject to a statutory exemption. However, in addition to the general rules concerning production of records, the Code also mandates that certain records be made available to other governmental entities or persons in the course of the transaction of public business. The Supreme Court of Virginia has held that as a rule of statutory construction, "When one statute speaks to a subject in a general way and another deals with a part of the same subject in a more specific manner, the two should be harmonized, if possible, and where they conflict, the latter prevails."<sup>3</sup>

Applying this rule of statutory construction to the school safety audits, FOIA sets forth general provisions relating to access to records, and when a copy of the school safety audit is requested by a citizen or the media, the exemption allows certain portions to be withheld. However, the Code also more specifically mandates that the school safety audits be submitted to the Center. FOIA, a law of general applicability, should not be construed so as to interfere with interagency information sharing mandated by the Code and internal government administration. The specific mandate for superintendents to submit a copy of the audits to the Center supercedes the general FOIA exemption that would allow portions of the audits to be withheld from the general public. As a result, in submitting the school safety audits to the Center, a school superintendent could not invoke the FOIA exemption and withhold portions of the audits relating to security plans or specific vulnerability assessments.

In follow-up to this question, you note that once the school safety audits are submitted to the Center, the Center will become a custodian of these records and may receive a FOIA request for these records. You ask if the Center would then have the discretion to decide what information in an audit is a security plan or specific vulnerability assessment component for purposes of the exemption. Subsection B of § 22.1-279.8 is clear on this issue. It states that *[t]he local school board shall retain authority to withhold or limit the release of any security plans and specific vulnerability*

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<sup>2</sup> See Virginia Acts of Assembly Chapter 801 (2003). The exemption will be at subdivision A 85 of § 2.2-3705 (effective July 1, 2003).

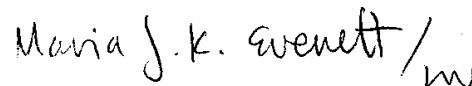
<sup>3</sup> See *Thomas v. Commonwealth*, 244 Va. 1, 419 S.E. 2d 606 (Va. 1992), *Hudler v. Cole*, 236 Va. 389, 374 S.E. 2d 39 (Va. 1988), *Va. Nat'l Bank v. Harris*, 220 Va. 336, 257 S.E. 2d 867 (Va. 1979).

Mr. Leonard G. Cooke, Director  
June 24, 2003  
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*assessment components as provided in § 2.2-3705.* The exemption references this section, stating that the particular information may be withheld pursuant to § 22.1-279.8. Therefore, the Center would be able to invoke the exemption if it received a FOIA request for the audits. However, it would not be in the Center's discretion to determine what particular information in any given audit is subject to the FOIA exemption. The Center must withhold the information designated by the appropriate school board as a security plan or vulnerability assessment component.

Thank you for contacting this office. I hope that I have been of assistance.

Sincerely,

A handwritten signature in black ink that reads "Maria J.K. Everett" followed by a stylized flourish or mark.

Maria J.K. Everett  
Executive Director

**Appendix D**  
*DCJS Request Letter*



# COMMONWEALTH of VIRGINIA

## *Department of Criminal Justice Services*

Leonard G. Cooke  
Director

June 10, 2003

805 East Broad Street, Tenth Floor  
Richmond, Virginia 23219  
(804) 786-4000  
FAX (804) 371-8981  
TDD (804) 386-8732

Dear Superintendent:

In 1997 the General Assembly enacted the "Virginia's School Safety Audit Program" (§22.1-279.8, Code of Virginia) under the direction of the Department of Education (DOE). In 2001 this legislation was amended requiring all division superintendents to "*collate and submit all such safety audits to the Virginia Center for School Safety*", at the Department of Criminal Justice Services (DCJS).

Pursuant to this requirement, we request that each division superintendent submit all copies of the most recent school safety audits conducted by the principals in your division. We also request copies of any supporting documents submitted with or as a part of the safety audit process, as well as a list of which schools have not conducted an audit or have not certified to DOE that they have done so. These will help us to better understand and interpret the audit information, and to assess the level of school safety audits performed in the Commonwealth.

Please note that although the 2003 General Assembly amended the Virginia Freedom of Information Act to permit schools to withhold school security plan and vulnerability assessment information from public review, this exception does not apply to reporting to governmental bodies such as the Virginia Center for School Safety. However, be assured that we will deal cautiously and appropriately with all such information we receive.

The Virginia Center for School Safety expects to issue periodic reports on school safety audit data to appropriate requestors, including the Governor, Virginia State Crime Commission, or the General Assembly. It is our hope that our reports will be useful and helpful to all levels of the state's public education system, and most especially to principals and superintendents.

I have attached for your assistance an information sheet that describes the documents and information that we require, and directions on how and where to send the information. Please send all information to the Virginia Center for School Safety by July 3, 2003.

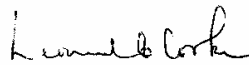


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Thank you in advance for your cooperation and timely response to this request. Our goal is establish a mutually beneficial and useful reporting procedure that minimizes undue burden on school officials. We look forward to working with you to accomplish this.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard G. Cooke".

Leonard G. Cooke

Cc: Jo Lynne DeMary, Superintendent  
Virginia School Principals  
Amanda West, School Safety Audit Coordinator  
Donna Bowman, VCSS Center Manager

Attachment